

September 15, 2016

The Honorable Garnet Coleman
Chairman, House Committee on County Affairs
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Dear Representative Coleman,

This is in response to your request for a written testimony regarding my opinion on the validity of the study conducted by the Austin Statesman's reporters relevant to the Texas Department of Public Safety's motor vehicle search patterns. During the past 19 years, I have spent most of my career training thousands of police officers including all Texas police chiefs, on the legal requirements specific to racial profiling. In addition, I am responsible for having authored the template currently used by most law enforcement agencies in Texas specific to racial profiling reporting.

I have authored numerous academic articles including a book titled "Racial Profiling in America" (with Prentice Hall), which has been widely cited and regarded as an authority on the subject. A few months ago, I concluded my three-year commitment as a federal monitor overseeing the New Orleans Police Department; an appointment by the United States Court from the Eastern District of Louisiana. In that particular role, I worked very closely with the United States Department of Justice, minority community leaders and the New Orleans Police Department, on matters relevant to bias based policing, immigration, and the police academy. In short, I have a vast amount of experience on the topic of racial profiling from both the academic and practice perspectives.

During the past 14 years, I have had the privilege of working with numerous law enforcement agencies in Texas who are committed to complying with the various requirements of the Texas Racial Profiling Law. I have witnessed first-hand, chiefs of police take a "hands on" approach in addressing shortcomings and ensuring transparency before their respective communities.

Regarding the Austin Statesman's article and your request for my opinion on the validity of the data and findings, I have reached my opinion as follows:

- a) In general, I have always been a proponent of search analyses (both individual and institutional) as these serve to identify racial profiling by police officers, when taken into account with other components (i.e., complaints).

- b) Although racial profiling in police organizations can take place at the institutional level, previous identifiable cases over the years have shown that racial profiling does take place more often at the individual level. This fact supports the notion that an individual level search analysis is most useful when compared to the analysis of institutional aggregate data.
- c) The methodology used by the Statesman's reporters is consistent with sound practices in social science research. The fact that the reporters made the effort to "clean the data" by eliminating duplicate entries and combining multiple data files into one, is consistent with professional research practices.
- d) The weakness of the study is not in its methodology. Instead, it is based on the fact that it relied (since they likely had no other option) on the data as provided by DPS. In other words, the data analyzed likely contains thousands of misclassified contacts with Hispanics who may be regarded as Whites. This poses a serious threat to any finding achieved. If the data are filled with errors, the findings may not provide tenable results.

In short, the methodology utilized by the Austin Statesman's Reporters is solid and consistent with research methodology employed in social science academic projects. However, the findings achieved may not be completely accurate as these rely on DPS data which has already been identified as imprecise (see Brian Collister's reports on DPS data). That is, DPS data has shown a pattern of misclassifying Hispanics as Whites and therefore under reporting Hispanics and over reporting Whites.

I appreciate the opportunity to provide to you and your committee, written testimony and I remain open to serving as a resource witness in the future.

Sincerely,

Alejandro del Carmen, Ph.D.
Criminologist